

**Mark D. Stern P.C.**

34 Liberty Avenue Somerville, MA 02144-2022

617 776 4020

Invoice submitted to:  
 Boyd Fulton  
 119 Hampton Circle  
 Hull MA 02045-2829

November 15, 2006

In Reference To: Boyd Fulton v. Town of Hull, Massachusetts  
 United States District Court/District of Massachusetts  
 Civil Action No. 2004 CV 11234 MEL

## Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
12/23/2003 ALL SLIPS ARE MARK STERN UNLESS OTHERWISE INDICATED TO BE ATTORNEY DONNA CONLEY OR PARALEGAL WORKER ELIZABETH CLEMONS	0.70 100.00/hr	70.00
Review papers; do research and write client		
1/14/2004 Extended telephone call with client; telephone call with Galen Gilbert; e-mail from Gilbert; more faxes and telephone calls with client and Gilbert	1.40	NO CHARGE
6/11/2004 Meeting with client and Donna Conley	2.00	NO CHARGE
6/14/2004 Documents from client; telephone message from client	0.10 100.00/hr	10.00
6/15/2004 Two e-mails from Donna Conley; telephone message from client	0.15 100.00/hr	15.00
6/18/2004 CONLEY Legal research; telephone call client (RSVP)	0.10 50.00/hr	5.00
Work with Donna Conley re: claims; telephone message to client	0.15 100.00/hr	15.00
6/20/2004 Telephone call client	0.05 100.00/hr	5.00
6/21/2004 CONLEY Meeting with client; request personnel file and letter to Town/demand	0.30 50.00/hr	15.00
Meeting at office with Donna Conley and client; revise draft and send letter to Hull	0.90 100.00/hr	90.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
7/6/2004 Telephone call to client, left message; telephone call office of Town of Hull's counsel	0.15 100.00/hr	15.00
7/7/2004 Personnel file from Hull and letter	0.10 100.00/hr	10.00
7/8/2004 Review file and write to client; letter from Town	0.40 100.00/hr	40.00
7/13/2004 Telephone call client (RSVP) and letter to client	0.10 100.00/hr	10.00
7/26/2004 Multiple calls to client for update	0.10 100.00/hr	10.00
7/27/2004 Telephone call client	0.15 100.00/hr	15.00
7/29/2004 CONLEY Work on Amended Complaint; legal research; review client's materials	0.30 75.00/hr	22.50
7/30/2004 Review files from client; telephone call client, left message; work with Donna; fax and call from Civil Service (file) and telephone call to client and review of file; telephone calls to and from Civil Service Commission (Bob Smith); fax to hm	0.75	NO CHARGE
Telephone messages to and from client	0.05 100.00/hr	5.00
CONLEY Work with Mark D. Stern on review of civil service files	0.10	NO CHARGE
8/3/2004 Telephone calls to Civil Service persons; letter to client and review and organize files	0.55	NO CHARGE
8/17/2004 Review materials from client and telephone call to client, left message	0.20	NO CHARGE
8/25/2004 Telephone message from client; telephone message to client, reply	0.10 100.00/hr	10.00
9/1/2004 Letters from and to client	0.25 100.00/hr	25.00
9/8/2004 Telephone call client; review file; telephone call Donna Conley	0.20 100.00/hr	20.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
9/10/2004 CONLEY Review personnel file and pay records; meeting with client re: federal Complaint	1.50 75.00/hr	112.50
Client at office and telephone calls with Lampke (with Donna Conley)	0.70 150.00/hr	105.00
9/15/2004 CONLEY Revisions to Amended Complaint; review of client's synopsis	1.50 75.00/hr	112.50
9/16/2004 Letter and agreement to client; work with Donna Conley re: claims	0.40 150.00/hr	60.00
CONLEY Memo to file re: issues of law and draft one count	0.30 75.00/hr	22.50
9/20/2004 Review draft Complaint and notes from Donna Conley	0.45 150.00/hr	67.50
9/21/2004 CONLEY Discuss legal theories of Complaint with Mark D. Stern and revise Amended Complaint; more on revising Amended Complaint and prepare waiver of service of summons	1.00 75.00/hr	75.00
Work on Amended Complaint and research	1.20 150.00/hr	180.00
9/22/2004 Work on letter to Town attorney and Amended Complaint; telephone call with Fulton	0.40 150.00/hr	60.00
9/29/2004 Telephone call client	0.35 150.00/hr	52.50
10/1/2004 Review docket; messages for client	0.05 150.00/hr	7.50
10/3/2004 CONLEY Left message for client; e-mail to Mark D. Stern re: on call	0.20	NO CHARGE
10/4/2004 CONLEY Revise Complaint; two telephone calls with client and Mark D. Stern; revise letter to Lampke	1.30 75.00/hr	97.50
Telephone call client, with Donna Conley re: on call claim; research	0.65	NO CHARGE
10/11/2004 Correspondence to client	0.10 150.00/hr	15.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
10/18/2004 CONLEY Letter to National Weather Service requesting snow forecasts	0.10	NO CHARGE
10/27/2004 Telephone call with Attorney Lampke; research	0.30 75.00/hr	22.50
11/1/2004 CONLEY Letter to client re: Civil Service Commission hearing	0.10	NO CHARGE
11/15/2004 Telephone calls with Attorney Lampke; faxes to and from Attorney Lampke; pull out files; telephone call from client and fax	0.40 100.00/hr	40.00
11/16/2004 Preparation with client; Civil Service hearing; travel; letter to client	2.50	NO CHARGE
11/23/2004 Client package in mail; telephone call client (RSVP); telephone call client and telephone review of papers	0.45 100.00/hr	45.00
11/30/2004 Review Donna Conley's research	0.10 150.00/hr	15.00
12/6/2004 Telephone call Lampke	0.05 150.00/hr	7.50
12/8/2004 Telephone call from Lampke, extend to 12/14; fax	0.10 150.00/hr	15.00
12/14/2004 Answer and letter from Lampke; letter to client	0.20 150.00/hr	30.00
12/15/2004 Review Answer and annotate Complaint	0.35 150.00/hr	52.50
12/16/2004 Discuss case with Donna Conley; draft letter to Lampke; letter to client; telephone call client, left message	1.70 150.00/hr	255.00
CONLEY Draft reply letter to Lampke re: Amended Complaint; letter to client; review Defendant's Answer	1.40 75.00/hr	105.00
12/20/2004 CONLEY Draft Plaintiff's Rule 16 Certification; letter to client; draft Joint Statement and Initial Disclosures	1.10 75.00/hr	82.50
Letter to client re: Certification and draft Joint Statement	0.20 150.00/hr	30.00
12/21/2004 Telephone call from client; telephone call Donna Conley; telephone call Lampke (RSVP)	0.65 150.00/hr	97.50

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	<u>Hrs/Rate</u>	<u>Amount</u>
12/22/2004 Telephone call Lampke (RSVP) and letter to him; Answer to Counterclaims	0.55 150.00/hr	82.50
12/24/2004 Telephone call Lampke; fax from Lampke; review of file; telephone call with Donna Conley; research	0.40 150.00/hr	60.00
12/30/2004 Notice from Court	0.05 150.00/hr	7.50
1/3/2005 Fax from Lampke; mailing from client	0.15 150.00/hr	22.50
CONLEY Review of documents from client; cover letter to Court (Local Rule 16 Certification); letter to client	0.30 75.00/hr	22.50
1/6/2005 CONLEY Telephone call with client and review of documents	0.70 75.00/hr	52.50
Telephone call with client and with Donna Conley re: her work with client	0.20 150.00/hr	30.00
1/10/2005 Draft Initial Disclosures and Joint Statement; review of documents; letter to Lampke	1.90 75.00/hr	142.50
1/13/2005 CONLEY Work with Mark D. Stern on Joint Statement and letter to client; letter to Lampke; Settlement and Demand draft	0.80 75.00/hr	60.00
Work on letter to Lampke; telephone call to Lampke; letter to Fulton	0.45 150.00/hr	67.50
1/19/2005 Mailing from Lampke and to client with letter; telephone call client	0.20 150.00/hr	30.00
1/24/2005 Telephone call client; letters to Civil Service Commission and client	0.70	NO CHARGE
Joint Statement, demand letter and letter to client and multiple phone calls and faxes	0.70 150.00/hr	105.00
CONLEY Three telephone calls client and with Mark D. Stern on demand letter and Joint Statement	2.70 75.00/hr	202.50
CONLEY Correspondence to Civil Service Commission	0.10	NO CHARGE

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	<u>Hrs/Rate</u>	<u>Amount</u>
1/25/2005 Fax from and two telephone calls to Lampke	0.30 150.00/hr	45.00
1/26/2005 Work on Amended Complaint with Donna Conley	0.30 150.00/hr	45.00
CONLEY Revisions to Second Amended Complaint, Motion for Leave to File; look through and preparation for Initial Disclosure documents	0.70 75.00/hr	52.50
1/28/2005 Fax from client; call to him	0.10 150.00/hr	15.00
2/2/2005 Court; travel; review of file	1.65 150.00/hr	247.50
2/7/2005 Filings from Court	0.10 150.00/hr	15.00
2/14/2005 Order from Court	0.05 150.00/hr	7.50
2/15/2005 Telephone call Lampke; update and file Disclosures; do Rule 30B(6) Notice	0.85 150.00/hr	127.50
2/25/2005 Research; letter to Lampke	0.30 150.00/hr	45.00
3/4/2005 Telephone calls with Lampke; e-mail Baker and RSVP; telephone call from Baker; letters to Lampke and client	0.50 150.00/hr	75.00
3/17/2005 Offer of Settlement from Lampke; telephone calls to client; review file; telephone call Lampke	0.45 150.00/hr	67.50
3/18/2005 Letter to client; answer with copy to client; telephone call from client; call to Lampke (RSVP)	0.70 150.00/hr	105.00
3/19/2005 Letter and telephone calls (RSVP) to Lampke; fax from and telephone call to client (RSVP)	0.60 150.00/hr	90.00
3/21/2005 Telephone call with Lampke; e-mail Baker; message for Fulton; e-mail from Lampke and reply and mail to client	0.50 150.00/hr	75.00
3/22/2005 Answer Counterclaims and file	0.20 150.00/hr	30.00
3/28/2005 Fax from and letter to client; second letter to client	0.25 150.00/hr	37.50

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	<u>Hrs/Rate</u>	<u>Amount</u>
3/30/2005 Telephone calls with Lampke at office and home	0.15 150.00/hr	22.50
3/31/2005 Telephone call with Lampke; call to client, RSVP	0.30 150.00/hr	45.00
4/1/2005 Telephone call with Lampke; mailing form him and mailing and letter to client	0.40 150.00/hr	60.00
4/5/2005 Messages from and to client	0.10 150.00/hr	15.00
4/11/2005 Telephone call client re: settlement; letter to client	0.35 150.00/hr	52.50
5/6/2005 Review fax from client; send letter to client	0.25 150.00/hr	37.50
7/21/2005 Letter to client	0.15 150.00/hr	22.50
7/25/2005 Letter to client; research	0.15 225.00/hr	33.75
8/3/2005 Mail to client returned; telephone message to client	0.15 150.00/hr	22.50
8/10/2005 Letter from and reply to client	0.25 150.00/hr	37.50
8/11/2005 Telephone call Lampke (message)	0.05 150.00/hr	7.50
10/5/2005 Letter to client	0.20 150.00/hr	30.00
1/12/2006 Letter to client	0.20 150.00/hr	30.00
3/7/2006 Letter from client and reply	0.40 150.00/hr	60.00
3/23/2006 Letter to client	0.30 150.00/hr	45.00
4/3/2006 Telephone call BBO for ethics opinion; review file; prepare affidavit and letter to client	1.35 150.00/hr	202.50

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	<u>Hrs/Rate</u>	<u>Amount</u>
4/7/2006 Telephone message from client; letter to client	0.50 225.00/hr	112.50
5/1/2006 Letter to client	0.20 225.00/hr	45.00
5/2/2006 Telephone call client; review agreement, affidavit and Complaint with him	0.30 225.00/hr	67.50
5/5/2006 Affidavit from client; draft Motion and Memo; Review of Rule 56 & Local Rule; work on Statement of Undisputed Facts	1.70 225.00/hr	382.50
5/10/2006 Prepare Memo for Summary Judgment and Motion; telephone call with Donna Conley; research	2.35 225.00/hr	528.75
5/11/2006 E-mail from Donna Conley and reply	0.20 225.00/hr	45.00
5/12/2006 Telephone call with Donna Conley and notes for file	0.30 225.00/hr	67.50
5/15/2006 E-mails from Court and letter to Court; telephone call with Donna Conley; fax to Lampke	0.60 225.00/hr	135.00
5/30/2006 Telephone call Lampke	0.30 225.00/hr	67.50
6/6/2006 Motion to Extend Time from Lampke	0.10 225.00/hr	22.50
6/8/2006 Review e-mails from Lampke	0.40 225.00/hr	90.00
6/9/2006 Send client letter	0.10 225.00/hr	22.50
6/15/2006 E-mails and research with Donna Conley	0.35 225.00/hr	78.75
6/19/2006 CLEMONS Letter to client re: hearing date/time	0.25 20.00/hr	5.00
Order from Court; letter to client and docket	0.15 450.00/hr	67.50
6/21/2006 E-mails from and to Lampke	0.10 225.00/hr	22.50



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	<u>Hrs/Rate</u>	<u>Amount</u>
6/28/2006 Telephone call from Lampke's office; letter to Fulton	0.10 225.00/hr	22.50
CLEMONS Letter to client	0.10 20.00/hr	2.00
6/29/2006 Telephone call with Lampke re: new dates	0.15 450.00/hr	67.50
6/30/2006 Fax from Lampke; letter to client	0.10 225.00/hr	22.50
7/6/2006 Motion to Reschedule; Order from Court	0.15 450.00/hr	67.50
7/7/2006 Message from Fulton; message to him with e-mail; prepare agreement for after summary judgment hearing; telephone call with Lampke and fax from him	2.05 225.00/hr	461.25
7/10/2006 Telephone call from Lampke's office	0.05 225.00/hr	11.25
7/11/2006 Telephone call with Lampke; preparation for Court; calculations with Kathy Caruso; letter to client and call to Lampke (RSVP)	1.15 225.00/hr	258.75
Court and travel and preparation	1.65 450.00/hr	742.50
7/12/2006 Research FRE; e-mail from Court; telephone call with Lampke; draft letter to client	0.75 225.00/hr	168.75
7/13/2006 Review and revise letter to Court; telephone call/e-mail Lampke	0.40 225.00/hr	90.00
7/14/2006 Telephone calls Lampke (4 times)	0.10 225.00/hr	22.50
7/17/2006 Telephone call Lampke; divide draft into two letters and send to Lampke	0.50 225.00/hr	112.50
7/18/2006 Telephone call Lampke (RSVP) and reply telephone call; review and resend e-mail; telephone call Lampke	0.35 225.00/hr	78.75
7/19/2006 E-mail from Lampke	0.05 225.00/hr	11.25
7/20/2006 E-mail from Court and letter to client	0.15 225.00/hr	33.75

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	<u>Hrs/Rate</u>	<u>Amount</u>
8/4/2006 Telephone call from client	0.10 225.00/hr	22.50
8/23/2006 Review Decision; telephone call with Donna Conley and send with letter to client	0.50 450.00/hr	225.00
8/27/2006 Message from client re decision	0.05 450.00/hr	22.50
8/28/2006 Telephone call to client; draft Mark D. Stern Affidavit; review and edit time records; reduce fees for various categories unrelated or only partially related to favorable decision; Telephone call Peg Malt	2.55 450.00/hr	1,147.50
8/29/2006 Revise draft Mark D. Stern Affidavit; draft Fee Memorandum	0.95 450.00/hr	427.50
8/30/2006 Telephone call Client; with Bookkeeper on expenses	0.20 450.00/hr	90.00
9/2/2006 With Peg Malt on time records	0.30 450.00/hr	135.00
9/4/2006 Review, correct and edit time records, Affidavit and Memo; draft motion and letter; Telephone call to Dick Bauer	2.45 450.00/hr	1,102.50
9/5/2006 Prepare materials for filing with Court, Gather Exhibits for Affidavit, Revise Affidavit to Exhibits; Finish Addendum to Affidavit	0.85 450.00/hr	382.50
PARALEGAL SERVICES: pdf related work for electronic service to court	0.85 40.00/hr	34.00
9/6/2006 PARALEGAL: Telephone call Clerk re electronic filings and mailings	0.80 40.00/hr	32.00
9/7/2006 PARALEGAL: Mailing to Lampke	0.20 40.00/hr	8.00
9/14/2006 Telephone call to Lampke, review rules, and certification to court	0.60 450.00/hr	270.00
9/15/2006 Telephone call from client; review files; Telephone call to Client	0.40 450.00/hr	180.00
9/20/2006 Email from Court re Motion for Extension	0.10 450.00/hr	45.00
9/21/2006 Telephone calls from and to Lampke (RSVP)	0.05 450.00/hr	22.50

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	<u>Hrs/Rate</u>	<u>Amount</u>
9/26/2006 Notice from Court	0.05 450.00/hr	22.50
10/2/2006 Review of Opposition	0.25 450.00/hr	112.50
10/4/2006 Order from Court and letter to client	0.15 450.00/hr	67.50
10/13/2006 Further review of Opposition, research, w/ D. Conley; begin to draft counter-argument and Mark D. Stern Reply Affidavit	0.90 450.00/hr	405.00
Meeting with Mark D. Stern re reply argument to Defendant's Opposition	0.30 150.00/hr	45.00
10/16/2006 Review Mark D. Stern Affidavit; letter to client; Telephone call to Clerk re reply to Defendant's Opposition	0.40 150.00/hr	60.00
Telephone call to Lampke; review and revise Mark D. Stern Affidavit; Filing with Court; Research & organize research and ideas for 11/30 argment; Telephone call Clerk re filing Affidavit, cover letter re assent; filing affidavit electronically	1.35 450.00/hr	607.50
Letter from client and letter in reply to client	0.20 450.00/hr	NO CHARGE
10/18/2006 More research on legal fees and more on draft 11/30 argument	1.80 450.00/hr	810.00
10/19/2006 More on legal fees 11/30 argument	0.45 450.00/hr	202.50
11/13/2006 Prepare Draft of Supplemental Fee Application and w/ D. Conley	0.65 450.00/hr	292.50
Draft Supplemental Fee Motion and Affidavit	0.70 150.00/hr	105.00
11/14/2006 Review Draft Supplemental Fee Motion and Affidavit, and revise	0.20 450.00/hr	90.00
11/15/2006 Final Revisions to Supplemental Fee Motion and Affidavit, and related research	0.55 450.00/hr	247.50
Final Revisions to Supplemental Fee Motion and Affidavit	0.30 150.00/hr	45.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
11/30/2006 ESTIMATED TIME FOR PREPARATION OF ARGUMENT AT COURT AND ARGUMENT AT COURT ON NOVEMBER 30, 2006	3.50 450.00/hr	1,575.00
<b>For professional services rendered</b>	<b>89.75</b>	<b>\$17,628.50</b>
Additional Charges :		
6/4/2004 Filing Fee paid by client		150.00
12/1/2004 Photocopies		19.95
Postage		4.52
2/1/2005 Copying costs		181.80
Postage		28.50
Subpoenas		14.65
4/1/2005 Photocopies		9.60
Postage		3.56
9/2/2006 Timeslips data entry		49.00
10/31/2006 Copying cost in September and October		77.25
Postage for September and October		6.79
<b>Total costs</b>		<b>\$545.62</b>
<b>Total amount of this bill</b>		<b>\$18,174.12</b>
9/5/2006 Credit for two-thirds of expenses (See Affidavit of Mark D. Stern for explanation)		(\$207.72)
<b>Total payments and adjustments</b>		<b>(\$207.72)</b>
Balance due		\$17,966.40